

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
ENERGY,

Defendant.

Case No. 18-cv-04715-TSH

**ORDER DENYING MOTION TO  
COMPEL AND ORDERING PARTIES  
TO MEET AND CONFER IN PERSON**

Re: Dkt. No. 33

The Court’s Discovery Standing Order provides that “upon the development of an impasse with respect to discovery in a pending case assigned to Judge Hixson, no motions to compel shall be considered. Instead, the parties must first meet and confer. That is, counsel for each party shall meet and confer in person, or, if counsel are located outside the Bay Area, by telephone, to attempt to resolve their dispute informally. A mere exchange of letters, e-mails, telephone calls or facsimile transmissions does not satisfy the meet and confer requirement.”

The order further provides that “[i]f the parties are unable to resolve their dispute informally after a good faith effort, including meet and confer efforts conducted by lead counsel, the parties have two options.” First, “[i]f the dispute is straightforward, or the parties believe some initial informal guidance from the Court may help the parties resolve their dispute without the need for briefing, the parties may contact Judge Hixson’s Courtroom Deputy, Rose Maher, to arrange a telephonic conference with Judge Hixson.” Second, “[f]or more complex disputes, the parties shall prepare a joint statement of not more than five pages (12-point or greater font) that contains the following” items listed in the order.

On May 1, 2019 Plaintiffs Sierra Club and Environmental Defense Fund filed a motion to compel in violation of this order. ECF No. 33. It is **DENIED**. The motion also contains no

1 indication that the required meet and confer took place. As counsel for both sides are located in  
2 the Bay Area, the Court **ORDERS** them to meet and confer in person in Courtroom A on the 15th  
3 floor at 450 Golden Gate Avenue on May 9, 2019 at 11:00 a.m. If they are unable to resolve their  
4 dispute, they may either contact Rose Maher to arrange for a telephonic hearing or file a joint  
5 letter brief.

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8 **IT IS SO ORDERED.**

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10 Dated: May 2, 2019

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12 THOMAS S. HIXSON  
13 United States Magistrate Judge  
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